

**IN THE MATTER** of the Gambling Act 2003

**AND** on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval to deploy a new wagering option on the Baccarat tables at the Auckland, Hamilton, Queenstown and Wharf casinos

**BEFORE THE GAMBLING COMMISSION**

Members: G L Reeves (Chief Gambling Commissioner)  
L M Hansen  
D C Matahaere-Atariki  
W N Harvey  
S C L Pearson

Date of Application: 10 July 2019

Date of Decision: 6 September 2019

Date of Notification  
of Decision: 13 September 2019

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED  
FOR APPROVAL TO DEPLOY A NEW WAGERING OPTION ON THE BACCARAT TABLES  
AT THE AUCKLAND, HAMILTON, QUEENSTOWN AND WHARF CASINOS**

**Application**

1. SKYCITY Casino Management Limited ("**SCML**") applied to the Commission, pursuant to condition 10 of SCML's operator's licence for the Auckland casino, condition 10 of SCML's operator's licence for the Hamilton casino, condition 10 of SCML's operator's licence for the Queenstown casino and condition 9 of SCML's operator's licence for the Wharf casino, for approval deploy a new wagering option, "Lucky 6", on the Baccarat tables at its Auckland, Hamilton, Queenstown and Wharf casinos.

**Licence conditions**

2. The relevant licence conditions are as follows:

**Auckland, Hamilton and Queenstown casinos (operator's licences)**

10. The approval of the Commission is required prior to the use by the operator of any electronic version of the game types specified in condition 9 above or electronic aids or enhancements or changes to table game rules which create new wagering opportunities.

**Wharf casino (operator's licence)**

9. The approval of the Commission is required prior to the use by the operator of any electronic version of the game types specified in condition 8 above or electronic aids or enhancements or changes to table game rules which create new wagering opportunities.

**Submissions by SCML**

3. SCML submitted, in summary, as follows:
- (a) Pursuant to the licence conditions attached to its operator's licences, Commission approval is required prior to the use by the operator of any electronic version of the game types specified in condition 9, or electronic aids or enhancements, or changes to table game rules which create new wagering opportunities.
  - (b) In October 2018, it applied to the Secretary for various rule changes, one of which related to the introduction of a new optional wagering variation on Baccarat, "Lucky 6", which has proved popular in some overseas casinos. A new section, 11G, has been introduced to the Baccarat Rules to accommodate this side-wager, and the rules follow a similar pattern to other optional wagers already available on this game.
  - (c) In accordance with condition 10, any rules which create new wagering opportunities cannot be used by the operator until approved by the Commission.
  - (d) The Baccarat rules currently provide for six different optional wagers. Baccarat table layouts which provide for optional wagers typically feature only one of these six optional wagers, although there are no restrictions on offering more than one at the same time. Lucky 6 represents another optional wager that may be offered and it wants to deploy it on a number of its Baccarat games at its four casinos.
  - (e) In decision GC20/18, which considered an application by SKYCITY for approval to deploy a rule which created a new wagering variation, the Commission said it was satisfied that the effect of utilising the new wagering option would likely be a reduction in game speed, which at least matched the additional opportunity to wager.
  - (f) The Commission has also previously noted that the utilisation of an additional wagering option may also take the place of another opportunity.
  - (g) The deployment of the Lucky 6 wager will not increase opportunities for casino gambling.

### **Submissions by the Secretary**

4. The Secretary submitted that he had no regulatory concerns in relation to the implementation of the wager. The game rules are in the process of being gazetted and will take effect from 13 September 2019.

### **SCML's submissions in response**

5. In response, SCML invited the Commission to consider whether the new variation would increase casino gambling opportunities and, in the event that it was satisfied that it would not, it asked the Commission to provide an approval as from 13 September 2019, when the new rules take effect.

### **Analysis**

6. SCML wants to deploy a new wagering option, Lucky 6, on its Baccarat tables at the Auckland, Hamilton, Queenstown and Wharf casinos. When the application was made, the game rules for Lucky 6 had not been gazetted, but this has since taken place (on 5 September 2019), with the new rules taking effect from 13 September 2019.
7. As the Commission has noted in previous decisions, approval of game rules is a matter for the Secretary (under section 367 of the Act), while the deployment of them is a matter for the Commission. This approach ensures that the Secretary can approve a game rule without having to be concerned about casino gambling opportunities as the Commission will consider this as part of an application to deploy the rule. This approach is enshrined in licence conditions.
8. As Lucky 6 was new to the Commission, its Executive Director attended a demonstration of its use on a Baccarat table at a training room at the Auckland casino. The demonstration was also attended by a member of the Secretary's Department. The Executive Director relayed his findings to the Commission.
9. The Commission considered the information relayed to it by its Executive Director, together with the submissions made by SCML and the Secretary.
10. The Commission was satisfied that the introduction of Lucky 6 would not increase the speed of game play and that its introduction would not increase opportunities for casino gambling. In the Commission view, the effect of utilising the new wagering option would likely be a reduction in game speed which at least matched the additional opportunities to wager.

### **Decision**

11. The Commission approved SCML's application to deploy "Lucky 6" on its Baccarat tables at the Auckland, Hamilton, Queenstown and Wharf casinos, pursuant to condition 10 of

SCML's operator's licence for the Auckland casino, condition 10 of SCML's operator's licence for the Hamilton casino, condition 10 of SCML's operator's licence for the Queenstown casino, and condition 9 of SCML's operator's licence for the Wharf casino.

**Right of appeal**

12. Pursuant to section 235 of the Act, a person affected by this decision may appeal that decision to the High Court. An appeal must be made within 15 working days of the date of notice of the Commission's decision, or any longer period that the High Court may allow.



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**Graeme Reeves**  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

13 September 2019

